

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1222**

Introduced by Schimek, 27

Read first time January 22, 2002

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-615 and  
2 32-617, Reissue Revised Statutes of Nebraska, and section  
3 32-608, Revised Statutes Supplement, 2000; to change  
4 provisions relating to the payment and distribution of  
5 filing fees; to harmonize provisions; and to repeal the  
6 original sections.  
7 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 32-608, Revised Statutes Supplement,  
2   2000, is amended to read:

3                   32-608. (1) Except as provided in subsection (4) or (5)  
4   of this section, a filing fee shall be paid by or on behalf of each  
5   candidate prior to filing for office. The filing fee shall be paid  
6   to the county, city, or village treasurer ~~or, in the case of a city~~  
7   ~~or village officer, the city or village treasurer~~ of the county,  
8   city, or village in which the candidate resides ~~or, if the~~  
9   ~~candidate does not reside at the time of filing in the county in~~  
10   ~~which such candidate is seeking office, in the county where the~~  
11   ~~office is sought. The fee~~ office of the filing officer is located,  
12   or if the filing officer is the Secretary of State, the filing fee  
13   shall be paid to the Secretary of State. Filing fees paid to the  
14   county, city, or village treasurer shall be placed in the general  
15   fund of the county, city, or village. The Secretary of State shall  
16   remit filing fees paid to him or her to the State Treasurer for  
17   credit to the Voter Registration Cash Fund. No candidate filing  
18   forms shall be filed until the filing fee or the proper treasurer's  
19   receipt showing the payment of such filing fee is presented to the  
20   filing officer. On the day of the filing deadline, the county,  
21   city, or village treasurer's office shall remain open to receive  
22   filing fees until the hour of the filing deadline.

23                   (2) Except as provided in subsection (4) or (5) of this  
24   section, the filing fees shall be as follows:

25                   (a) For the office of United States Senator, state  
26   officers, including members of the Legislature, Representatives in  
27   Congress, county officers, and city or village officers, except the  
28   mayor or council members of cities having a home rule charter, a

1 sum equal to one percent of the annual salary such candidate will  
2 receive if he or she is elected and qualifies for the office for  
3 which he or she files as a candidate;

4 (b) For directors of public power and irrigation  
5 districts in districts receiving annual gross revenue of forty  
6 million dollars or more, twenty-five dollars, and in districts  
7 receiving annual gross revenue of less than forty million dollars,  
8 ten dollars;

9 (c) For directors of reclamation districts, ten dollars;  
10 and

11 (d) For Regents of the University of Nebraska, members of  
12 the State Board of Education, and directors of metropolitan  
13 utilities districts, twenty-five dollars.

14 (3) All declared write-in candidates shall pay the filing  
15 fees that are required for the office at the time that they present  
16 the write-in affidavit to the filing officer. Any undeclared  
17 write-in candidate who is nominated or elected by write-in votes  
18 shall pay the filing fee required for the office within ten days  
19 after the canvass of votes by the county canvassing board and shall  
20 file the receipt with the person issuing the certificate of  
21 nomination or the certificate of election prior to the certificate  
22 being issued.

23 (4) No filing fee shall be required for any candidate  
24 filing for an office in which a per diem is paid rather than a  
25 salary or for which there is a salary of less than five hundred  
26 dollars per year. No filing fee shall be required for any  
27 candidate for membership on a school board, on the board of an  
28 educational service unit, on the board of governors of a community

1 college area, on the board of directors of a natural resources  
2 district, or on the board of trustees of a sanitary and improvement  
3 district.

4 (5) No filing fee shall be required of any candidate  
5 completing an affidavit requesting to file for elective office in  
6 forma pauperis. A pauper shall mean a person whose income and  
7 other resources for maintenance are found under assistance  
8 standards to be insufficient for meeting the cost of his or her  
9 requirements and whose reserve of cash or other available resources  
10 does not exceed the maximum available resources that an eligible  
11 individual may own. Available resources shall include every type  
12 of property or interest in property that an individual owns and may  
13 convert into cash except:

14 (a) Real property used as a home;

15 (b) Household goods of a moderate value used in the home;

16 and

17 (c) Assets to a maximum value of three thousand dollars  
18 used by a recipient in a planned effort directed towards  
19 self-support.

20 (6) If any candidate dies prior to an election, the  
21 spouse of the candidate may file a claim for refund of the filing  
22 fee with the proper governing body prior to the date of the  
23 election. Upon approval of the claim by the proper governing body,  
24 the filing fee shall be refunded.

25 Sec. 2. Section 32-615, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 32-615. Any candidate engaged in or pursuing a write-in  
28 campaign shall file a notarized affidavit of his or her intent,

1 together with the filing fee or treasurer's receipt for any filing  
2 fee ~~with the filing officer~~ as provided in section 32-608, no later  
3 than ten days prior to the election. A candidate who has been  
4 defeated as a candidate in the primary election or defeated as a  
5 write-in candidate in the primary election shall not be eligible as  
6 a write-in candidate for the same office in the general election.  
7 A candidate who files a notarized affidavit shall be entitled to  
8 all write-in votes for the candidate even if only the last name of  
9 the candidate has been written if such last name is reasonably  
10 close to the proper spelling.

11 Sec. 3. Section 32-617, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 32-617. (1) Petitions for nomination for partisan and  
14 nonpartisan offices shall conform to the requirements of section  
15 32-628. Petitions shall state the office to be filled and the name  
16 and address of the candidate. Petitions for partisan office shall  
17 also indicate the party affiliation of the candidate. Petitions  
18 shall be signed by registered voters residing in the district or  
19 political subdivision in which the officer is to be elected and  
20 shall be filed with the filing officer in the same manner as  
21 provided for candidate filing forms in section 32-607. Petition  
22 signers and petition circulators shall conform to the requirements  
23 of sections 32-629 and 32-630. No petition for nomination shall be  
24 filed unless there is attached thereto the filing fee or a county  
25 ~~treasurer's receipt from the county of such nominee's residence~~  
26 ~~showing the payment of the filing fee~~ required pursuant to section  
27 32-608. Such petitions shall be filed by September 1 in the year  
28 of the general election.

1           (2) The filing officer shall verify the signatures  
2 according to section 32-631. Within three days after the  
3 signatures on a petition for nomination have been verified pursuant  
4 to such section and the filing officer has determined that pursuant  
5 to section 32-618 a sufficient number of registered voters signed  
6 the petitions, the filing officer shall notify the candidate so  
7 nominated by registered or certified mail, and the candidate shall,  
8 within five days after the date of receiving such notification,  
9 file with such officer his or her acceptance of the nomination or  
10 his or her name will not be printed on the ballot.

11           (3) A candidate placed on the ballot by petition shall be  
12 termed a candidate by petition. The words BY PETITION shall be  
13 printed upon the ballot after the name of each candidate by  
14 petition.

15           Sec. 4. Original sections 32-615 and 32-617, Reissue  
16 Revised Statutes of Nebraska, and section 32-608, Revised Statutes  
17 Supplement, 2000, are repealed.